

MINUTES
NEVADA STATE BOARD OF OPTOMETRY
REGULAR MEETING

March 10th, 2006
Office of the Nevada State Board of Optometry
1000 East William
Suite 109
Carson City, Nevada

Dr. Alleman asked for public comment. There was no public comment.

A regular meeting of the Nevada Board of Optometry was called to order by Board President, Kurt G. Alleman, O.D., at 8:04 a.m. on March 10th, 2006, at the office of the Board of Optometry, 1000 East William, Suite 109, Carson City, Nevada.

Identifying themselves as participating were:

Kurt G. Alleman, O.D., Board President
Brad C. Stewart, O.D., Board Member
Jack Sutton, O.D., Board Member
George Bean, Board Member
Dianna Hegeduis, Chief Deputy Attorney General

Participating and present at the Board office were:

Judi Kennedy, Executive Director
Daniel Rowan, O.D.

The minutes of the Board's January 20th, 2006, meeting were presented for approval. Dr. Sutton indicated his name should be added to the list of those attending the meeting. Dr. Alleman stated the word "on" should be added to the last full sentence before the words "lack of merit" on Page 5 of the minutes. Dr. Sutton moved the minutes be approved as corrected. Mr. Bean seconded the motion. The vote was unanimous.

Agenda Item 5. The Board moved to the agenda item, noting the presence of Dr. Daniel

Rowan. Dr. Alleman outlined the allegations of the complaint of Dr. Schonder against Dr. Rowan. Dr. Alleman stated all members and Ms. Hegeduis had a copy of the ad, and noted specifically the claim in the ad by Dr. Rowan that he had co-managed 15,000 lasik procedures. Dr. Alleman asked Dr. Rowan if he wished to comment. Dr. Rowan responded, stating his position was set forth in his written response.

There ensued a lengthy discussion between the Board and Dr. Rowan regarding the contents of the ad. The largest portion of the discussion centered around the method used in arriving at the figure of 15,000 lasik procedures co-managed as asserted in the ad. During questions posed by the Board and responses by Dr. Rowan, it was discovered the figure in the ad included patients whose care was taken over by Dr. Rowan when he arrived in Reno, together with patients he had seen beyond one year of the date of their lasik procedure. Dr. Sutton inquired as to what kind of control Dr. Rowan has over the content of the ad. Dr. Rowan responded he had input, but that he is not involved in the direct marketing. Dr. Stewart stated he believed the 15,000 figure was a stretch. Mr. Bean asked if Dr. Rowan had plans for revisions in future advertising, stating he believed a statement that thousands of patients treated would be more appropriate. At the conclusion of the discussion, Dr. Rowan agreed with the consensus of the Board that the ad should be revised.

Dr. Sutton noted in his complaint, Dr. Schonder had requested a letter of reprimand be issued. Dr. Sutton continued, stating he believed there was no basis for the issuance of such a letter. After further discussion of Dr. Rowan's agreement to revise the ad, Dr. Stewart moved the complaint be dismissed based on resolution. Dr. Alleman asked for further comment. Mr. Bean requested Dr. Rowan furnish the Board with a copy of the revised ad. Dr. Rowan stated he would do so. Mr. Bean seconded the motion. The vote was unanimous.

Agenda Item 3. The complaint of Judi D. Kennedy, as Executive Director vs. Mark Ohriner, O.D. The Board reviewed and discussed the complaint and the response of Dr. Ohriner. Based on

the Dr. Ohriner's response, Mr. Bean moved the complaint be dismissed for lack of merit. Dr. Sutton seconded the motion. The vote was unanimous.

Agenda Item 4. The complaint of Judi D. Kennedy, as Executive Director vs. Al Dufur, O.D. The Board noted Dr. Dufur had remitted the proposed fine necessary to dispose of the complaint. Dr. Sutton moved the complaint be dismissed based on resolution. Mr. Bean seconded the motion. The vote was unanimous.

Agenda Item 6. The complaint of Time Crowe vs. John Staub, O.D. Dr. Stewart noted Mr. Crowe had requested a refund, that Dr. Staub had denied his request, but upon receipt of the complaint from the Board, Dr. Staub had issued a refund to Mr. Crowe, and had furnished the Board with a copy of the cover letter and refund check sent to Mr. Crowe. Dr. Stewart moved the complaint be dismissed based on resolution. Dr. Sutton observed Dr. Staub had not filed a formal response to the complaint, nor had he complied with the request from the Board for a copy of Mr. Crowe's medical records. Ms. Kennedy suggested a letter be sent to Dr. Staub advising him if a future patient complaint were filed, he would be required to file a formal response and to furnish a copy of the patient's medical records. Mr. Bean seconded the motion. The vote was unanimous.

Agenda Item 7. The Board reviewed and discussed the January 11th, 2006, correspondence from Dr. Devries regarding the requirement that his patients be furnished a co-management agreement. Ms. Hegduis noted Dr. Devries contended no such agreement was necessary as he was part owner of the practice, and no fees were divided. Ms. Hegeduis continued, stating regardless of the corporate structure, a co-management agreement was necessary because patients were being co-managed. Dr. Sutton moved a letter be sent to Dr. Devries, advising him that, based on the advice of counsel, a co-management agreement is required, and requesting a copy of the agreement be furnished the Board for review at its next regular meeting. Dr. Stewart seconded the motion. The vote was unanimous.

Agenda Item 8. The Board reviewed and discussed the January 13th, 2006, letter from Dr. Heather Thompson. At the conclusion of the discussion, Dr. Sutton moved a letter of response be

sent to Dr. Thompson advising her the reporting of the revocation of her license to the HIP Data Bank was required. Dr. Stewart seconded the motion. The vote was unanimous.

Agenda Item 9. Ms. Hegeduis advised the Board of the current status of the District Court case filed by Farnaz Khankhanian.

Agenda Item 10. Ms. Kennedy asked if the Board had questions relating to the cash in bank figures that had been furnished the members. There were none. Ms. Kennedy advised the Board of the number of licenses currently suspended for failure to renew and the number of applicants currently registered to take the Nevada Law Exam.

Mr. Bean moved Ms. Kennedy be given a 7% salary increase and an 11.5% bonus based on her current salary. Dr. Sutton seconded the motion. The vote was unanimous.

Dr. Alleman asked for public comment. There was no public comment.

The Board scheduled a regular meeting for Friday, July 14th, 2006,. The meeting will be held via telephone conference.

Mr. Bean moved the meeting adjourn. Dr. Stewart seconded the motion. The meeting adjourned at 9:16 a.m.